



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Coleen H. Sullins
DirectorDee Freeman
SecretaryBeverly Eaves Perdue
Governor

February 4, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 7006 0810 0002 6050 4937

Richard L. Mann – Vice Chancellor for Finance and Administration
The University of North Carolina at Chapel Hill
302 South Building CB#1000
Chapel Hill, North Carolina 27599

Subject: **Notice of Intent**
NOV-2009-DV-0362
UNC-Chapel Hill Bingham Facility
Research Resources Facility
Orange County

Dear Mr. Mann,

This letter is to advise you that this office is considering recommending enforcement action to the Director of the Division of Water Quality. The recommendation for enforcement concerns the discharge violation cited in the Notice of Violation dated December 18, 2009, previously sent to you and your subsequent response to the notice.

Based on a review of the information provided to the Division, it is noted that Mr. Caruth of the University of North Carolina Construction Management unit noted that the pond level was dropping and that a leak was suspected on October 19, 2009. The University of North Carolina conducted a dye test during the first week of December approximately forty-eight (48) days after the leak was noted. Upon completion of the dye test on December 11, 2009, the University of North Carolina reported the discharge to the Division of Water Quality. It is not known when the discharge began; however, the University of North Carolina waited fifty-three (53) days once suspecting a leak of the lagoon liner, to report the discharge to the Division.

If you wish to present an explanation for the violation cited, or if you believe there are other factors that should be considered, please send such information to me in writing within ten (10) days following receipt of this letter. Your explanation will be reviewed, and, if an enforcement action is still deemed appropriate, your explanation will be forwarded to the Director with the enforcement package for his consideration.

Aquifer Protection Section
1628 Mail Service Center, Raleigh, North Carolina 27699-1628
Location: 3800 Barrett Dr., Raleigh, North Carolina 27609
Phone: 919-791-4200 · FAX: 919-571-4718 · Customer Service: 1-877-623-6748
Internet: www.newaterquality.org

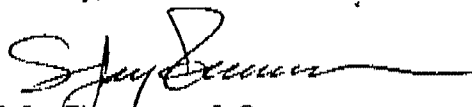
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If you have any questions concerning this matter, please contact Matthew Fleahman or myself at (919) 791-4200.

Sincerely,



S. Jay Zimmerman, L.G.
Environmental Regional Supervisor
Raleigh Regional Office

cc: RRO-APS Files
Aquifer Protection Section Central Files
Larry Daw, UNC – Environment, Health, & Safety 1120 Estes Drive Ext. Campus Box 1650
Chapel Hill, North Carolina 27599-1650